

FIRST NOTICE OF COMMENT PERIOD

LSA Document #18-542

COLD CLEANING DEGREASING ALTERNATIVE

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules at [326 IAC 8-3-8](#) concerning cold cleaning degreasing and the addition of a control device option to comply with the requirement to use a low vapor pressure solvent. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: [326 IAC 8-3-8](#).

AUTHORITY: [IC 13-14-8](#); [IC 13-17-3-1](#); [IC 13-17-3-4](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

Indiana requirements for cold cleaning degreasers at [326 IAC 8-3-8](#) generally prohibit the sale or use of solvents with a volatile organic compound (VOC) composite partial vapor pressure higher than one millimeter of mercury measured at 20 degrees Celsius. IDEM is proposing to amend [326 IAC 8-3-8](#) to allow for the use of an alternative control device for solvents with a higher vapor pressure, in order to control emissions from cold cleaning degreasing activities for users currently required to use a low vapor pressure solvent to comply with the state rule. Cold cleaning is one of four types of degreasing operations whereby industrial sources dip or spray machinery parts with a solvent. Emissions of VOCs occur as a result of evaporation from the storing and handling of fresh and spent solvents. VOCs contribute to the formation of ground level ozone under certain situations, such as days with strong sunlight, high temperatures, or stagnant weather conditions. This can be hazardous to the health of certain vulnerable populations like the young or elderly, as well as those with existing respiratory problems.

Indiana's state rule at [326 IAC 8-3-8](#) does not provide an option for sources to use a higher vapor pressure solvent with a control device, such as carbon adsorption or regenerative thermal oxidizer, as an alternative to using a low vapor pressure solvent. However, low vapor pressure solvents do not clean well in certain situations, such as the printing industry, and they can contaminate print ink and cause loss of product. Due to potential contamination, printing sources cannot recycle the low vapor pressure solvents on site or use cleaning solvents that have been recycled off site. Additionally, low pressure solvents require duplication of the cleaning process through additional wiping to ensure that there is no remaining residue. Therefore, some sources currently use a wipe cleaning method with rags containing alcohol and acetate solvents for their printing components. Wipe cleaning is a highly inefficient process that increases emissions and results in 100% solvent evaporation. This method also produces a large amount of material that usually has to be managed as hazardous waste, as the rags are contaminated with solvent and ink.

The proposed control device option would not only decrease emissions and hazardous waste, but could increase business in Indiana, as this method is much quicker and more efficient than the current hand wiping method. It could also facilitate the reuse of printing solvents on presses and in printing inks, thereby reducing air emissions from chemical plants that would otherwise have to manufacture virgin solvents to be used in those processes.

Rules in other states, such as Illinois, currently allow sources to limit VOCs when using solvents with a higher vapor pressure by using carbon adsorption or thermal control methods. Allowing for the use of control devices instead of complying with the vapor pressure limit is consistent with the general provisions of [326 IAC 8-1-2](#), which allow for the use of control devices to comply with VOC rules.

IDEM seeks comment on the affected citations listed, including suggestions for specific language, any other provisions of Title 326 that may be affected by this rulemaking, and alternative ways to achieve the purpose of the rulemaking.

Alternatives to Be Considered Within the Rulemaking

Alternative 1. Amend the rule to allow cold cleaner degreasers to utilize a control device as an alternative to low vapor pressure solvents.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law and there is no comparable federal law. It is a revision to a "state-only" requirement.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Alternative 2. Do not amend existing rules.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? No.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Applicable Federal Law

40 CFR 50, National Primary and Secondary Ambient Air Quality Standards, United States Environmental Protection Agency (U.S. EPA); 80 FR 65292, National Ambient Air Quality Standards for Ozone, U.S. EPA.

Potential Fiscal Impact

Potential Fiscal Impact of Alternative 1. This alternative could have a positive fiscal impact. Allowing sources to comply with [326 IAC 8-3-8](#) through the use of a higher vapor pressure solvent with a control device would enable them to clean parts more quickly and efficiently and potentially reuse recovered solvents, thereby enhancing the state's economy and allowing existing businesses to remain competitive with businesses from other states.

Potential Fiscal Impact of Alternative 2. This alternative would have no fiscal impact. However, without this rule, affected sources would continue using the wipe cleaning method they currently use to clean machinery parts, which is significantly more labor intensive and increases solvent and waste disposal costs. It could also increase health care costs for those impacted by higher ozone levels.

Small Business Assistance Information

IDEM established a compliance and technical assistance program (CTAP) under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on CTAP and other resources available can be found at:

www.in.gov/idem/ctap

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Angela Taylor
IDEM Small Business Regulatory Coordinator/CTAP Small Business Liaison
IGCN 1316
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 233-0572 or (800) 988-7901
ctap@idem.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Katelyn Colclazier
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 431-1560
kcolclazier@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

The Small Business Assistance Program Ombudsman is:

Erin Moorhous
IDEM Small Business Assistance Program Ombudsman/Business, Agricultural, and Legislative Liaison
IGCN 1301
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 232-8921 or (800) 451-6027
emoorhou@idem.in.gov

Public Participation and Work Group Information

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Keelyn Walsh, Rules Development Branch, Office of Legal Counsel at (317) 232-8229, or (800) 451-6027 (in Indiana).

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:

LSA Document #18-542 Cold Cleaning Degreasing Alternative
Keelyn Walsh
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204-2251

- (2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.

- (3) By electronic mail to kwalsh@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

- (4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than January 18, 2019. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8229, or (800) 451-6027 (in Indiana).

Christine Pedersen, Section Chief
Rules Development Branch
Office of Legal Counsel

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An [html](#) version of this document.